

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:)	
)	
European Restaurant Group, LLC)	License No.: 78475
t/a One)	Case No.: 11-251-00001
)	Order No.: 2011-452
Holder of a Retailer's Class CR License)	
at premises)	
1606 20th Street, N.W.)	
Washington, D.C. 20009)	

BEFORE: Nick Alberti, Interim Chairperson
 Donald Brooks, Member
 Herman Jones, Member
 Calvin Nophlin, Member
 Mike Silverstein, Member

ALSO PRESENT: European Restaurant Group, LLC, t/a One, Respondent

Kwamina Williford, on behalf of European Restaurant Group, LLC,
Respondent

Louise Phillips, Assistant Attorney General,
on behalf of the District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER GRANTING RESPONDENT'S MOTION FOR RECONSIDERATION

On October 5, 2011, the Alcoholic Beverage Control Board (Board) found the Respondent, European Restaurant Group, LLC, t/a One, in violation of D.C. Official Code §§ 25-113(a), 25-711(a) 25-823(5), and 23 DCMR § 1000. European Restaurant Group, LLC, Board Order No. 2011-380, 1-2, 9 (D.C.A.B.C.B. Oct. 12, 2011). The Respondent was ordered to pay a \$3,000.00 fine and received 10 suspension days; five days to be served and five days stayed for year pending no further violations. Id. at 9. The Board ordered that the five suspension days shall be served on October 17, 2011, through October 21, 2011.

The Respondent, in a letter, dated October 7, 2011, requested that the Board reconsider the mandated suspension days. Specifically, the Respondent noted that the short notice will force the establishment to cancel a number of private parties and hurt the business's goodwill. The Respondent has requested that the Board reschedule the suspension days for the week of January 9, 2011

We agree with the Respondent that the Order gave the Respondent short notice. Rescheduling the five suspension days for December 5, 2011, through, December 9, 2011, should give the establishment's customers enough time to find alternative venues and avoid unnecessarily burdening the Respondent's business.


ORDER

Therefore, on this 12th day of October 2011, **APPROVES** the Motion for Reconsideration filed by European Restaurant Group, LLC, t/a One. The Board **AMENDS** Board Order No. 2011-380, as follows:

- (1) The last sentence of provision 6 on page 9 shall be struck and amended as follows:
 - a. The suspension days shall be served on December 5, 2011, through December 9, 2011.

Copies of this Order shall be sent to the Government and the Respondent.

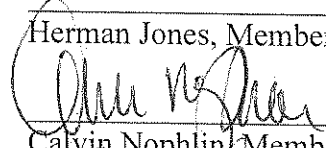
District of Columbia
Alcoholic Beverage Control Board



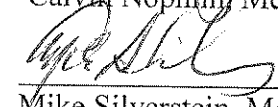
Nick Alberti, Interim Chairperson

Donald Brooks, Member

Herman Jones, Member



Calvin Nophlin, Member



Mike Silverstein, Member

Pursuant to 23 DCMR § 1719.1 (2008), any party adversely affected may file a Motion for Reconsideration of this decision within ten (10) days of service of this Order with the Alcoholic Beverage Regulation Administration, Reeves Center, 2000 14th Street, NW, 400S, Washington, D.C. 20009.

Also, pursuant to section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001), and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (2008) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b) (2004).